

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF	)	
GRUNDSTADS REDERI A/S,	)	
	)	
Appellant,	)	PCHB No. 81-133
	)	
v.	)	FINAL FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW
PUGET SOUND AIR POLLUTION	)	AND ORDER
CONTROL AGENCY,	)	
	)	
Respondent.	)	

THIS MATTER, the appeal from the issuance of two \$250 civil penalties for the alleged violation of Section 9.03(b)(2) of respondent's Regulation I, having come on regularly for formal hearing on March 8, 1982, at Seattle-Tacoma International Airport, and appellant appeared by its agent Paul F. Smith and respondent represented by its attorney Keith D. McGoffin, with Administrative Law Judge William A. Harrison presiding, and the Board having reviewed the Proposed Order of the presiding officer mailed to the parties on the 21st day of April, 1982, and more than twenty days having elapsed from said service; and

1 The Board having received no exceptions to said Proposed Order and  
2 the Board being fully advised in the premises, NOW THEREFORE,

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said Proposed  
4 Order containing Findings of Fact, Conclusions of Law and Order dated  
5 the 21st day of April, 1982, and incorporated by reference herein and  
6 attached hereto as Exhibit A, are adopted and hereby entered as the  
7 Board's Final Findings of Fact, Conclusions of Law and Order herein.

8 DONE this 3<sup>rd</sup> day of June, 1982.

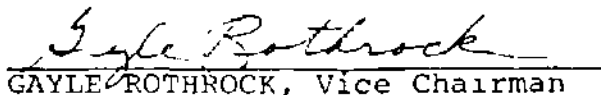
9 POLLUTION CONTROL HEARINGS BOARD

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11 DAVID AKANA, Lawyer Member

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13 NAT W. WASHINGTON, Chairman

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15 GAYLE ROTHROCK, Vice Chairman

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17 WILLIAM A. HARRISON  
18 Administrative Law Judge

19  
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24  
25  
26 FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW & ORDER  
27 PCHB No. 81-133

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF  
GRUNDSTADS REDERI A/S,

Appellant,

v.

PUGET SOUND AIR POLLUTION  
CONTROL AGENCY,

Respondent.

PCHB No. 81-133

PROPOSED FINDINGS OF  
FACT, CONCLUSIONS OF  
LAW AND ORDER

This matter, the appeal from the issuance of two \$250 civil penalties for the alleged violation of Section 9.03(b)(2) of respondent's Regulation I, came before the Pollution Control Hearings Board, Nat W. Washington, Chairman, at a formal hearing in the Seattle-Tacoma International Airport on March 8, 1982. Administrative Law Judge William A. Harrison presided.

Appellant was represented by Paul F. Smith of Interocean Steamship Corporation, an agent of appellant. Respondent was represented by its attorney Keith D. McGoffin.

EXHIBIT A

1 Having heard the testimony, having examined the exhibits, and  
2 having considered the contentions of the parties, the Board makes these

3 FINDINGS OF FACT

4 I

5 Pursuant to RCW 43.21B.260, respondent has filed with this Board a  
6 certified copy of its Regulation I and amendments thereto, of which  
7 official notice is hereby taken.

8 II

9 On July 29, 1981, at about 2:34 p.m., respondent's inspector  
10 observed a black plume arising from the funnel of the vessel MV GoGo  
11 Racer moored at the U. S. Oil and Refining Dock in Tacoma. The vessel  
12 is managed by appellant. After positioning himself correctly, the  
13 inspector observed and recorded opacities ranging from 70 to 100  
14 percent for 10 consecutive minutes. After discussing the matter with  
15 the vessel's Chief Engineer, the inspector issued a Notice of  
16 Violation to him. The emission came from the vessel's main boiler,  
17 which provides power to the cargo discharge pumps. Normally, the  
18 boiler is fed air by an auxiliary fan powered by an electric motor.  
19 This motor is connected to the fan by a series of 2 belts. In this  
20 instance, one of the 2 belts had broken. The vessel having no such  
21 belts on hand for replacement, the boiler was denied the air necessary  
22 for clean operation. Appellant later received Notice and Order of  
23 Civil Penalty assessing a \$250 civil penalty for the alleged violation  
24 of Section 9.03(b)(2) of respondent's Regulation I. From this,  
25 appellant appeals.

III

On July 31, 1981, at about 8:56 a.m., respondent's inspector returned to the site and observed another black colored plume arising from the funnel of the same vessel moored at the same location. After positioning himself, he observed the plume and recorded opacity ranging from 30 to 100 percent for 6 and 3/4 minutes of his 19-minute observation. After discussing the matter with the vessel's Chief Engineer, the inspector issued a Notice of Violation to him. This emission was caused by a burned out armature in the electric motor which powers the auxiliary fan as described above in Finding of Fact II. Appellant later received a Notice and Order of Civil Penalty assessing a \$250 civil penalty for the alleged violation of Section 9.03(b)(2) of respondent's Regulation I. From this, appellant appeals.

IV

In both instances, the Chief Engineer of the vessel, when informed of the emissions by the inspector, ordered reduced engine speed and eliminated the visible emissions by the time the inspector departed. This had the effect of lowering the rate of cargo (gasoline) discharge which resulted in overtime cost to the vessel for remaining too long at the discharge dock. The vessel incurred overtime costs of \$4,500.

V

Section 9.03(b)(2) of respondent's Regulation I makes it unlawful for any person to allow the emission of an air contaminant for a period totaling more than three minutes in any one hour which is of an opacity equal or greater than 20 percent.

1 Section 3.29 of Regulation I provides for a civil penalty of up to  
2 \$250 per day for each violation of Regulation I.

3 VI

4 Any Conclusion of Law which should be deemed a Finding of Fact is  
5 hereby adopted as such.

6 From these Findings the Board comes to these

7 CONCLUSIONS OF LAW

8 I

9 Appellant violated Section 9.03(b)(2) of Regulation I, as alleged,  
10 on both July 29 and 31, 1981, by allowing or causing an air emission  
11 of smoke in excess of the limits established in Section 9.03(b)(2) of  
12 respondent's Regulation I.

13 II

14 Because the record does not disclose prior violations of  
15 respondent's Regulation I by appellant and because of the cooperation  
16 shown by appellant, the civil penalty should be mitigated by  
17 suspension.

18 III

19 Any Finding of Fact which should be deemed a Conclusion of Law is  
20 hereby adopted as such.

21 From these Conclusions the Board enters the following  
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23  
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ORDER

The \$250 civil penalties (total \$500) are each affirmed, provided, however, that one-half of each penalty (total \$250) is suspended on condition that appellant not violate respondent's Regulation I for a period of one year from the date of appellant's receipt of this Order.

DONE in Lacey, Washington, this 21<sup>st</sup> day of April, 1982.

POLLUTION CONTROL HEARINGS BOARD

Nat W. Washington  
NAT W. WASHINGTON, Chairman

William A. Harrison  
WILLIAM A. HARRISON  
Administrative Law Judge